

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Darryl B. Kaplan,

Plaintiff,

v.

Honorable Sean F. Cox

Experian Information Solutions, Inc., *et al.*,

Case No. 09-10047

Defendants.

ORDER
STRIKING DOCKET ENTRY NO. 67

In an Opinion & Order issued on December 17, 2009, this Court made several rulings including: 1) denying Plaintiff's request for leave to file an amended complaint asserting additional claims; 2) ruling that Plaintiff's FCRA against Trans Union is limited to whether it failed to respond to his request for investigation within 30 days; and 3) striking Plaintiff's then-pending motions seeking summary judgment on newly asserted claims (Docket Entry No. 32 & No. 37). The Opinion & Order further provided that "If Plaintiff desires to file motions for summary judgment on the sole claim he has asserted against Defendants," Plaintiff may file such motions by January 8, 2010.

On January 2, 2010, Plaintiff filed a Motion for Reconsideration, wherein he sought reconsideration of this Court's ruling that Plaintiff's FCRA against Trans Union is limited to whether it failed to respond to his request for investigation within 30 days. Although this Court had not granted that Motion for Reconsideration or revised its December 17, 2009 Opinion & Order, on January 8, 2010, Plaintiff filed a second motion seeking summary judgment as to

Trans Union, wherein Plaintiff again sought summary judgment on additional claims against Trans Union (Docket Entry No. 67).

In an Opinion & Order issued this date, this Court denied Plaintiff's Motion for Reconsideration, confirming its prior ruling that Plaintiff's FCRA against Trans Union is limited to whether it failed to respond to his request for investigation within 30 days. Given the Court's rulings, **IT IS ORDERED** that Plaintiff's Motion for Summary Judgment (Docket Entry No. 67) is hereby **STRICKEN**. If Plaintiff elects to do so, within 10 days of the date of this Order, Plaintiff may file a Motion for Summary Judgment that addresses the limited claim against Trans Union.

IT IS FURTHER ORDERED that Docket Entry No. 70 is **DENIED AS MOOT**.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: January 26, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 26, 2010, by electronic and/or ordinary mail.

s/Jennifer Hernandez

Case Manager